

REMARKS

Claims 1-13 have been previously canceled and claims 29-31 are currently canceled. Claims 14, 16, 19-20, 22, 24-26 and 28 are amended and no new claims have been added by way of this response. Thus, claims 14-28 are currently pending and presented for examination. Applicant respectfully requests reconsideration and allowance of the pending claims in view of the foregoing amendments and the following remarks.

Response to Objections:

The Examiner has objected to claims 16, 20, 22 and 24-26 under 37 CFR 1.75(a) due to informalities. Applicant has corrected the informalities and respectfully requests that the Examiner withdraw the objections.

Response to Rejections Under Section 112:

Claims 14-27, 30 and 31 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has amended claims 14 and 19 and canceled claims 30 and 31 to resolve the indefiniteness issues and request the Examiner withdraw the §112, second paragraph rejections.

Response to Rejections Under Section 103:

Claim 28 (and now cancelled claim 29) is rejected under 35 U.S.C. §103(a) as being unpatentable over Brookman et al..

Applicant's amended claim 28 recites in part:

...an **inner wall** ...
an **outer wall** ... where the inner and outer walls increasingly diverge along the direction of fluid flow;
an **annular distribution element** arranged ... **having a centrally located opening that creates a cooling air part-stream** ..., and the distribution element creates a **radially outward and a radially inward streams that coaxially surround the centrally located part stream**, ...
a tube having a nozzle routed through one of the plurality of hollow outer supporting elements, where the nozzle is arranged

within the annular opening of the distribution element and injects a cooling fluid into the cooling air part-stream; and a fuel supply tube extending through a further hollow outer supporting element ... and ... introduces a fuel into the radially inner part-passage.

In contrast, Brookman et al. teaches a diffuser where a centrally located opening 34 provides a combustion air flow 32 that feeds the main burners and **not a cooling air part-stream**. Furthermore, the cooling air flow 40 of Brookman et al. is **not centrally located and coaxially surrounded by the radially inward and outward streams** as recited in claim 28.

In addition to the above, Brookman et al. does not teach or suggest "**a tube having a nozzle routed through one of the plurality of hollow outer supporting elements, where the nozzle is arranged within the annular opening of the distribution element and injects a cooling fluid into the cooling air part-stream**" or "**a fuel supply tube extending through a further hollow outer supporting element ... and ... introduces a fuel into the radially inner part-passage**" as further recited in claim 28.

Applicant respectfully submits that claim 28 is patentable and respectfully request the Examiner to withdraw the Section 103 rejection.

Discussion of Amended Claim 14 in relation to the applied Prior Art:

Applicant's amended claim 14 recites in part:

... an annular distribution element ... having an opening which faces the fluid flow and creates a cooling air part-stream of the compressed fluid flow, the distribution element ... forming an annular opening in a central region between the outer wall and the inner wall.

Applicant respectfully submits that the prior art of record does not teach or suggest arranging a cooling air extraction point in "**a central region** between the outer wall and the inner wall" of a compressor discharge diffuser, as discussed more fully above regarding claim 28.

In light of the above, Applicant respectfully submits that claim 14 is patentable, as well as claims 15-27 which depend on claim 14 at least based on their dependence from claim 14 as well as based on their own merits. Therefore, Applicant respectfully requests that the Examiner timely pass the application to allowance.

Conclusion

For the foregoing reasons, it is respectfully submitted that the objections and rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, Applicant respectfully requests that the Examiner reconsider the objections and rejections and timely pass the application to allowance. All correspondence should continue to be directed to our below-listed address. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 11/25/08

By: JPM

John P. Musone
Registration No. 44,961
(407) 736-6449

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830